

**REMARKS**

In the Office Action dated May 27, 2004, the Examiner rejected claims 1-4, 6-14, 16-23, 25-33, and 35-39 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,421,711 to Blumenau et al. ("Blumenau") in view of U.S. Patent No. 6,625,747 to Tawil et al. ("Tawil"), and indicated that claims 5, 15, 24 and 34 are allowable.

Applicants respectfully traverse the rejection of claims 1-4, 6-14, 16-23, 25-33, and 35-39 under 35 U.S.C. § 103(a) as unpatentable because the Examiner has failed to establish a *prima facie* case of obviousness.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, the prior art reference (or references when combined) must teach or suggest all the claim elements. Furthermore, "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art." See M.P.E.P. § 2143.01 (8<sup>th</sup> Ed., Aug. 2001), quoting *In re Wilson*, 424 F.2d 1382, 1385, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970). Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Finally, there must be a reasonable expectation of success. See M.P.E.P. § 2143 (8<sup>th</sup> Ed. 2001), pp. 2100-122 to 127.

Blumenau and Tawil, either alone or in combination, fail to disclose or suggest "in response to a failure in the first data path: graphically indicating the failure in the first data path; and graphically displaying a failover data path," as recited in independent

claim 1. Independent claims 11, 21 and 30 include similar recitations not taught or suggested by the references.

Regarding independent claims 1, 11, 21 and 30, the Examiner asserts that Blumenau “teaches graphically displaying source device...; graphically displaying target device (col. 29, lines 15-57; fig. 30); [and] displaying a first data path between source device and target devices...” Office Action at 2, 5. The Examiner admits that “Blumenau does not teach [the element of] in response to a failure in the first data path,” and, as indicated by the Examiner’s discussion of Tawil, “graphically indicating the failure in the first data path; and graphically displaying a failover data path.” In an attempt to compensate for these shortcomings, the Examiner relies on Tawil, asserting that the reference teaches “in response to a failure in the first data path: graphically indicating the failure in the first data path; and graphically displaying a failover data path[.] ([C]ol. 6, lines 5-16).” Office Action at 2. Applicants respectfully disagree.

Tawil does not compensate for the admitted shortcomings of Blumenau. Tawil discloses a system for handling computer storage system failovers. The system uses multiple storage controllers that share a common node name to allow a host system to virtually see these two controllers as a single unit.

Tawil, however, does not teach or suggest graphically displaying a first data path between source and target devices and graphically indicating a failure in the first data path and displaying a failover path. Indeed, Tawil does not teach or even suggest graphically displaying any type of device or component or status thereof. Although the Examiner is correct in stating that Tawil teaches a communication path (i.e., element

28), the Examiner stops short of addressing the actual recitations of Applicants' claimed invention. Tawil does not teach "displaying a failover path" in col. 6, lines 5-16. These portions of the reference cited by the Examiner merely describe the failover techniques used by Tawil to reroute data communications between storage controllers, and do not teach or suggest graphically displaying any type of device or data path.

Accordingly, contrary to the Examiner's assertions that all of the recitations of claim 1 are taught or suggested by Blumenau and Tawil, these references do not teach or suggest "in response to a failure in the first data path: graphically indicating the failure in the first data path; and graphically displaying a failover data path."

For at least this reason, Applicants respectfully submit that independent claims 1, 11, 21 and 30 are in condition for allowance, and request that the rejection under 35 U.S.C. §103(a) be withdrawn and the claims allowed. Dependent claims 2-10, 12-14, 16-20, 22, 23, 25-29, 31-33 and 35-39 are allowable at least for their dependency on one of claims 1, 11, 21 and 31.

In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of claims 1-39.

The Office Action contains numerous characterizations of the claims and the related art, with which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicant declines to subscribe to any statement or characterization in the Office Action.

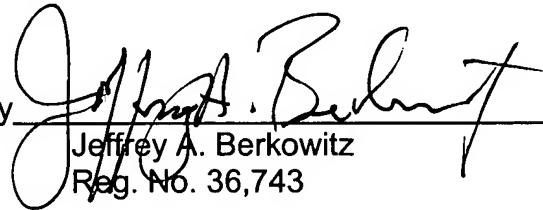
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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By



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